

Exhibit C

From: [Maximilian Auerbach](#)
To: [Benjamin Bauer](#); [Carson, Wesley](#); [Turner, Michael](#); [manderson@mcquirewoods.com](#); [Manning, Armina A.](#); [PaulHarper-contct](#); ["Katherine Moerke"](#); [Malta, Allyson](#); [Gillen, Elizabeth A.](#); [Chen, Robert](#); [Baker, Joseph](#); [Kehl, Philip](#)
Subject: RE: FTC v. Syngenta, et al., No. 22-cv-828 (MDNC)
Date: Monday, July 8, 2024 11:37:48 PM

Wes,

Regarding the Data Sets requested in RFPs 27-33, we believe that producing Data Sets beyond the Relevant AIs is unduly burdensome and disproportionate to the needs of the case. However, as we discussed, we hope to reach a compromise in order to avoid a motion to compel on the issue. We understand that the FTC would agree to a proposal whereby Corteva searched for Data Sets that “exist[] in the ordinary course of business and … [are] in the custody or control of Corteva’s U.S. business”, limited to “active ingredients that are marketed and/or sold as herbicides or insecticides/nematicides.” This request for Data Sets concerning all herbicides, insecticides and nematicides remains overly broad, as many herbicides, insecticides and nematicides sold by Corteva have no relationship to the products or programs at issue in the Action.

Moreover, this position is inconsistent with the FTC’s position in the investigation, during which the FTC accepted Data Sets concerning solely the three Relevant AIs, as well as a specified set of “Related Products”—namely, chlorimuron, cloransulam, methomyl, methoxyfenozide, spinosad, oxyfluorfen, penoxsulam, and propyzamide. Though these 8 additional AIs have no relevance to the Action, we are willing (solely by way of compromise and only if we are able to put this issue to rest) to expand our search of Data Sets to include these 8 AIs. On the same condition, we are open to expanding the responsive period by 1-year for these Data Sets to January 1, 2015, to the extent such Data Sets exist in the ordinary course of business and are in the custody or control of Corteva’s U.S. business.

This compromise would be without prejudice to any position Corteva might take later in the litigation with respect to the proper market definition, which is the subject of expert discovery. To the extent Corteva’s experts rely on data relating to other AIs in support of their analysis, such data would be produced in accordance with the applicable rules.

Please let us know if you agree to this proposal.

Regards,
Max

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Subject: RE: FTC v. Syngenta, et al., No. 22-cv-828 (MDNC)

Confirmed. Thanks, Wes.

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From: Carson, Wesley <wcanson@ftc.gov>
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Thanks Ben. Plaintiffs accept Corteva's custodial proposal, which we understand to consist of a combination of the custodians and time frames agreed to in: (1) Corteva's initial proposal for custodians attached to your May 20, 2024 email; (2) Max's June 20, 2024 email containing proposed custodians; (3) Max's June 28, 2024 email containing additional proposed custodians; and (4) your email below adding Mr. Garrett.

Your proposed resolution of the other issues is acceptable to Plaintiffs.

Best,
Wes

From: Benjamin Bauer <bbauer@cravath.com>
Sent: Friday, June 28, 2024 4:11 PM
To: Carson, Wesley <wcanson@ftc.gov>; Maximilian Auerbach <mauerbac@cravath.com>; Turner, Michael <mturner@ftc.gov>; manderson@mcguirewoods.com; Manning, Armina A. <aamanning@mcguirewoods.com>

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Subject: RE: FTC v. Syngenta, et al., No. 22-cv-828 (MDNC)

Dear Wes:

In response to your note and our earlier calls, Corteva is willing to add Matthew Garrett as a custodian from 2016 to 2024, contingent on resolving the outstanding open issues as follows:

- **Data:** Extending the motion to compel deadline with respect to data until Friday, June 12, with Corteva committing to provide a data proposal by end of day Monday, July 8. Corteva confirms that collection of custodial documents for previously agreed custodians is already underway.
- **Non-custodial information (“go-gets”):** Corteva is open to considering a reasonable non-custodial search of central repositories, if any, for discrete documents that can be shown to be insufficiently disclosed as a result of custodial productions. This proposal does not modify Corteva’s agreement, consistent with its Responses & Objections of May 20, to identify, collect, and produce custodial files, including shared files, folders, and workspaces (e.g., OneDrive) identified by custodians as likely having responsive information.
- Further, this proposal does not modify Corteva’s commitment from Max’s email of this morning to collect certain materials responsive to RFP Nos. 17 and 18, as well as the identified FIFRA data compensation files from the files of Cindy Loy.
- Finally, with respect to RFP No. 5, Corteva agrees, consistent with its Responses & Objections of May 20 and the Coordination Order, to produce documents produced by Corteva in the Related Actions (*In re: Crop Protection Products Loyalty Program Antitrust Litigation*, Case No. 1:23-md-3062-TDS-JEP (W.D.N.C.) and *State of Arkansas v. Syngenta Crop Protection AG*, Case No. 4:22-cv-01287-BSM (E.D. Ark.)) that have not otherwise been produced to Plaintiffs in this Action.

Please let us know if this proposed resolution is acceptable. Best regards,

Ben

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From: Carson, Wesley <wcarson@ftc.gov>

Sent: Friday, June 28, 2024 1:42 PM
To: Benjamin Bauer <bbauer@cravath.com>; Maximilian Auerbach <mauerbac@cravath.com>; Turner, Michael <mturner@ftc.gov>; manderson@mcguirewoods.com; Manning, Armina A. <aamanning@mcguirewoods.com>; PaulHarper-contct <Paul.Harper@ilag.gov>; 'Katherine Moerke' <Katherine.Moerke@ag.state.mn.us>; Maltas, Allyson <amaltas@ftc.gov>; Gillen, Elizabeth A. <egillen@ftc.gov>; Chen, Robert <rchen@ftc.gov>; Baker, Joseph <jbaker1@ftc.gov>; Kehl, Philip <pkehl@ftc.gov>
Subject: RE: FTC v. Syngenta, et al., No. 22-cv-828 (MDNC)

Ben,

Thanks for your email. Based on our call, please find below Plaintiffs' response:

Non-custodial information (“go-gets”). We understand that the proposal below does not modify Corteva's commitment to identify, collect, and produce custodial files, which would include collection of custodial files and folders (including shared files and folders, and shared workspaces such as OneDrive) identified by custodians as likely having responsive information. Further, we understand that the proposal below does not modify Corteva's commitment from Max's email of this morning to collect certain materials responsive to RFPs 17 and 18, as well as the identified FIFRA data compensation files from the files of Cindy Loy on a go-get basis. Please confirm my understanding is correct.

Finally, as discussed on the call, and without any prejudice to Plaintiffs' ability to request other documents on a go-get basis if it appears custodial collections are insufficient to respond to other RFPs, please confirm that Corteva will produce documents in response to RFP 5 on a go-get basis.

Data. As discussed, Plaintiffs will agree to an extension for the data issue until July 12, based on: (1) your representation that Corteva will begin collection and processing of custodial documents (which you confirmed was already underway) regardless of the ongoing data discussions; (2) a commitment to provide us with an updated proposal on data by Monday, July 8.

Best,
Wes

From: Benjamin Bauer <bbauer@cravath.com>
Sent: Friday, June 28, 2024 11:37 AM
To: Maximilian Auerbach <mauerbac@cravath.com>; Carson, Wesley <wcarsen@ftc.gov>; Turner, Michael <mturner@ftc.gov>; manderson@mcguirewoods.com; Manning, Armina A. <aamanning@mcguirewoods.com>; PaulHarper-contct <Paul.Harper@ilag.gov>; 'Katherine Moerke' <Katherine.Moerke@ag.state.mn.us>; Maltas, Allyson <amaltas@ftc.gov>; Gillen, Elizabeth A. <egillen@ftc.gov>; Chen, Robert <rchen@ftc.gov>; Baker, Joseph <jbaker1@ftc.gov>; Kehl, Philip <pkehl@ftc.gov>
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Dear Wes:

Please find below Corteva's further proposals with respect to non-custodial information, TAR, and data. By way of compromise and in an effort to resolve these issues, here is what we are willing to do:

Non-custodial information ("go-gets"): The custodial searches that Corteva has committed to undertake should be more than sufficient to meet the needs of this case. That said, we are open to considering a reasonable non-custodial search of central repositories, if any, for discrete documents that can be shown to be insufficiently disclosed as a result of custodial productions.

Corteva reserves the right to further evaluate any such collected material for responsiveness by linear review and / or, if appropriate and otherwise consistent with its proposed TAR Protocol and target metrics, by TAR.

TAR Protocol: Corteva reserves the right to determine final TAR metrics / targets at the conclusion of the TAR review process.

Data: As discussed during Wednesday's meet and confer, Corteva is still evaluating an appropriate scope for the data requested by RFPs 27-33, which is overbroad and unduly burdensome. Corteva is hopeful that, with some limited additional time, the Parties will be able to reach agreement on this issue and avoid requesting relief from the Court. Accordingly, Corteva is willing to extend the deadline to move to compel, only as to this issue, until Friday, July 5.

We are happy to discuss these proposals in more detail. Best regards,

Ben

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From: Maximilian Auerbach <mauerbac@cravath.com>

Sent: Friday, June 28, 2024 11:01 AM

To: Benjamin Bauer <bbauer@cravath.com>; Carson, Wesley <wcanson@ftc.gov>; Turner, Michael <mturner@ftc.gov>; manderson@mcguirewoods.com; Manning, Armina A. <aamanning@mcguirewoods.com>; PaulHarper-contct <Paul.Harper@ilag.gov>; 'Katherine Moerke' <Katherine.Moerke@ag.state.mn.us>; Maltas, Allyson <amaltas@ftc.gov>; Gillen, Elizabeth A. <egillen@ftc.gov>; Chen, Robert <rchen@ftc.gov>; Baker, Joseph <jbaker1@ftc.gov>; Kehl, Philip <pkehl@ftc.gov>

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Wes,

Please see below for our proposal on custodians. I am happy to provide further context by phone. We will follow up with our other proposals on the open items as soon as possible. By way of compromise and in order finally to resolve the issues we've been discussing:

- We will add:
 - **Bart Baudler** (2016-2024)
 - **Judd O'Connor** (2020-2024)
 - **Lars Swanson** (2004-2007)
 - 7 Account managers (2016-2024):
 - **Scott Goodwin** (CNI)
 - **Dan Bouck** (Nutrien)
 - **Drew Ratterman** (Growmark)
 - **Trent Inman** (Helena)
 - **Jay Golz** (Simplot)
 - **Mark Urbanowski** (Tenkoz)
 - **Steve McGlynn** (Winfield)
- We will extend:
 - **Ryan Messner** (2022-2024)
 - **Susanne Wasson** (2012-2014)
 - **Rajan Gajaria** (2009-2012; 2014)

Further, it is our understanding that, notwithstanding changes to the org. chart, Redge Bodily has substantially the same responsibility he had previously.

We can also agree to perform a targeted search for data sufficient to show Corteva's FIFRA data compensation for the Relevant Active Ingredients in lieu of a complete custodial collection from Ms. Loy.

Additionally, with respect to RFP Nos. 17-18, we will produce share-based loyalty agreements covering crop-protection products, if any, to the extent located after a reasonable search of the same central file folders containing the CRPIVM and CDO agreements that we intend to collect.

Best,
Max

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Gillen, Elizabeth A. <egillen@ftc.gov>; Chen, Robert <rchen@ftc.gov>; Baker, Joseph
<jbaker1@ftc.gov>; Kehl, Philip <pkehl@ftc.gov>
Subject: RE: FTC v. Syngenta, et al., No. 22-cv-828 (MDNC)

Understood, Wes. Appreciate your flexibility in this regard. We will be sending you a proposal on custodians imminently, with information on other open items to follow on a rolling basis. Best regards,

Ben

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Subject: RE: FTC v. Syngenta, et al., No. 22-cv-828 (MDNC)

Thanks Ben. Given in the imminent motion to compel deadline, Plaintiffs will likely have insufficient time to consider any proposals made by Corteva after noon today, particularly if those proposals differ significantly from Plaintiffs proposals in my email from yesterday (June 27, 2024).

From: Benjamin Bauer <bbauer@cravath.com>
Sent: Friday, June 28, 2024 10:00 AM
To: Carson, Wesley <wcanson@ftc.gov>; Turner, Michael <mturner@ftc.gov>;
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Subject: RE: FTC v. Syngenta, et al., No. 22-cv-828 (MDNC)

Wes, we are working towards a landing position on the open items but need a bit more time. Let's postpone our 10am call and we are working at present to get back to you as soon as possible.

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-----Original Appointment-----

From: Carson, Wesley <wcarson@ftc.gov>
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To: Carson, Wesley; Benjamin Bauer; Turner, Michael; manderson@mcguirewoods.com; Manning, Armina A.; Maximilian Auerbach; PaulHarper-contct; 'Katherine Moerke'; Maltas, Allyson; Gillen, Elizabeth A.; Chen, Robert; Baker, Joseph; Kehl, Philip
Subject: FTC v. Syngenta, et al., No. 22-cv-828 (MDNC)
When: Friday, June 28, 2024 10:00 AM-10:30 AM (UTC-05:00) Eastern Time (US & Canada).
Where: <https://ftc.zoomgov.com/j/1619417752?pwd=ZkZNcm1YUzl4STE3aTJtR3QxcXp0UT09>

Wesley Carson is inviting you to a scheduled ZoomGov meeting.

Join ZoomGov Meeting
<https://ftc.zoomgov.com/j/1619417752?pwd=ZkZNcm1YUzl4STE3aTJtR3QxcXp0UT09>

Meeting ID: 161 941 7752
Passcode: 813369

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Passcode: 813369

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